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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

Y. Z.,

Petitioner,

v.

THE SUPERIOR COURT OF THE
COUNTY OF RIVERSIDE,

Respondent;

RIVERSIDE COUNTY DEPARTMENT
OF PUBLIC SOCIAL SERVICES,

Real Party in Interest.

E033500

(Super.Ct.No. J104190)

OPINION

ORIGINAL PROCEEDING; petition for extraordinary writ. Robert M. Padia,
Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) The petition is denied.

David Goldstein for Petitioner.

No appearance for Respondent

William C. Katzenstein, County Counsel, and Julie A. Koons, Deputy County Counsel for Real Party in Interest.

Mother has filed this petition pursuant to California Rules of Court, rule 39.1B, challenging an order terminating reunification services and setting a Welfare and Institutions Code section 366.26¹ hearing in regard to her daughter. Mother argues that (1) reunification services were not reasonable; and (2) there was a substantial probability that her daughter would be returned if services were extended another six months. We deny the petition, concluding that both factual findings were supported by substantial evidence.

STATEMENT OF FACTS

Mother's daughter was born in August 2001. At the time, mother was homeless and unable to care for her daughter, so she temporarily gave her daughter to a friend. But the maternal grandfather discovered the arrangement, took the daughter back, and returned the daughter to the mother. Because mother still did not have a stable home, she gave her daughter to another woman who had been introduced by a friend. In order to prevent the maternal grandfather from interfering again, mother signed a notarized letter purporting to give the other woman custody. In June 2002, an anonymous informant reported this situation and the daughter was immediately taken into custody.

¹ All further statutory references will be to the Welfare and Institutions Code.

Mother initially indicated that she wanted the other woman to adopt her daughter. Mother claimed that the other woman was a good person who had taken care of her daughter. Mother did not want the maternal grandfather to have her daughter because he would send the child to Mexico to be raised by other relatives, which the grandfather admitted was true. Mother admitted that she was unable to care for her daughter because she already had a three-year-old son and was in the middle of a high-risk pregnancy with her third child, another son. Furthermore, her boyfriend, the father of her unborn son, was unemployed. Although mother and her boyfriend did not appear to have bonded with the daughter, the three-year-old son seemed happy and well cared for.

Shortly after the initial interview, mother began to vacillate in regard to placing the daughter with the maternal grandfather or the other woman, depending on how her relationship with the maternal grandparents was at the time. At one point, mother indicated that she would take the daughter back as long as the department supported her financially. And after giving birth to her second son in August 2002, mother decided that she wanted her daughter back unconditionally.

The department was unable to recommend the grandfather for custody because he had no relationship with the daughter and wanted to take the daughter to Mexico to be raised by another family member. The department was also unable to recommend the other woman for custody because she had to complete the foster parent licensing process, her husband had a criminal conviction, and she anticipated adopting the daughter, which was incompatible with mother's desire to reunify. The daughter was ultimately placed in

a confidential foster home and a case plan was adopted that required mother to maintain regular visitation, maintain a stable and suitable residence, participate in individual therapy, and complete a parenting class.

Regarding visitation, mother was initially consistent in attendance and acted appropriately, but displayed poor parenting skills. In December, the visits were suspended when the court permitted the foster parents to travel abroad for a month with the daughter. After they returned, the social worker left several messages with mother, but mother did not return the calls. On one occasion, mother contacted the foster parents directly and was told that she would have to call the social worker to arrange a visit. Mother never contacted the social worker and told the foster parents that she was too busy to attend a visit anyhow. Visits were eventually arranged for late February and early March 2003, but mother missed them, claiming that she overslept for one and forgot the other. When mother finally attended a visit in mid-March, after almost four months without any contact, her daughter no longer recognized her and cried the entire time.

Regarding housing, mother rented a bedroom from a co-worker, where she lived with her boyfriend and two sons. Mother told the foster mother that she did not want the department to know where she was living because she did not think it was appropriate for the daughter. Mother moved sometime in February 2003 and provided the department with a new address, but the record contains no information about the new living arrangement.

Regarding counseling, mother was given a referral in August 2002, but was discharged in October for non-attendance. In February 2003, mother was provided with another referral and was given the therapist's telephone number twice. However, mother missed her first appointment and arrived an hour late for her next two appointments, so the therapist discontinued treatment, noting that mother needed a deeper level of commitment.

The parenting classes were the only bright spot. Mother was given referrals for parenting classes in September 2002, began classes in October, and completed them in February 2003.

A contested six-month review hearing was held in early April 2003. Mother testified that she had benefited from the parenting classes, definitely wanted her daughter back, and had difficulty attending therapy due to conflicts with her work schedule, but had changed her work schedule and wanted to continue with therapy. The social worker also testified and admitted that she had never gone to mother's residence or contacted her employer. Without comment, the court terminated services and scheduled a section 366.26 hearing.

DISCUSSION

For a child under the age of three at the time of removal, reunification services are limited to six months unless the court finds that (1) reasonable services were not provided; or (2) there is a substantial probability that the child may be returned within six months. (§ 366.21, subd. (e).) Mother challenges these factual findings, which are both

reviewed for substantial evidence, meaning that all reasonable inferences must be drawn in favor of the findings and the record must be viewed in the light most favorable to the findings. (*In re Maria S.* (2000) 82 Cal.App.4th 1032, 1039; *In re Kristin W.* (1990) 222 Cal.App.3d 234, 253.)

1. *Reasonable Services*

Mother argues that services were not reasonable because the department allowed visitation to be suspended for a month so that the daughter could be taken out of the country on vacation and failed to take reasonable steps to maintain contact with mother. We disagree.

The department is generally required to make a good faith effort to provide reunification services tailored to the unique needs of each family by identifying the problems leading to the removal of the children, offering services designed to remedy those problems, maintaining reasonable contact with the parents, and making reasonable efforts to assist the parents when compliance proves difficult. (*In re Maria S.*, *supra*, 82 Cal.App.4th at p. 1039; *Mark N. v. Superior Court* (1998) 60 Cal.App.4th 996, 1010-1011.) However, because it is almost always true that better services could be provided in an ideal world, we merely determine whether the services provided were reasonable under the circumstances of this case. (*In re Julie M.* (1999) 69 Cal.App.4th 41, 48.)

Under the circumstances of this case, we find substantial evidence to support the trial court's finding that services were reasonable. Regarding the month-long suspension of visitation, normally it would be troublesome to suspend visitation for such a young

child for such a long period of time for no better reason than a vacation. It is difficult enough to maintain a relationship with an infant even when provided with weekly visits. However, in this case, that decision was arguably reasonable. Mother tried to give the daughter away to begin with and was initially unsure of whether she wanted the daughter returned. Furthermore, there did not appear to be any bond between the two even during the first few months of visitation. Regarding the department's efforts to maintain contact with mother, they also appear to have been reasonable under the circumstances. After the foster parents returned from vacation, the social worker tried to call mother and left telephone messages on several occasions. It was mother who failed to respond and mother who did not want the department to know where she lived.

2. Probability of Return

Mother also argues that there was a substantial probability that the daughter could be returned within six months because she had completed most of her case plan and was willing and able to continue counseling. Again, we disagree. Mother initially displayed little interest in her daughter and only recently demonstrated the commitment necessary to raise her daughter. As a result of mother's early ambivalence, her daughter no longer recognizes her as a parent. Thus, there is little probability of reunification.

DISPOSITION

The petition is denied.

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/s/ McKinster
J.

We concur:

/s/ Hollenhorst
Acting P. J.

/s/ Gaut
J.